

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6948 of 2005

Between:

Kotipalli Murali Mukunda Rao S/o.Late K.Krishnamurthy, 70
years, Retired District Judge Grade-II & Advocate, R/o.11-9-
18/1, Lakshminagar Colony Kothapet, Hyderabad-35.

..... PETITION

AND

1. Hyderabad Metropolitan Water Supply & Sewerage Board
(HMWSS).Rep by its Managing Director, Khairtabad,
Hyderabad.
- 2 The General Manager(Eng), Single Window Cell, (HMWSS).
Khairtabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction declaring the petitioner as the Statutory Legal Heir of his deceased wife, Smt.K.Manoranjanamma and that there is no necessity to produce any legal heir certificate as he was already declared by the Statue under section 115(1)(a) of Hindu Succession Act as legal heir to his wife, who died intestate, and direct the Respondents 1 & 2 to consider his application for additional water supply connection and sanction the same without insisting on production of legal heir certificate.

Counsel for the Petitioner:MRS.SUJATHA V.

Counsel for the Respondent Nos.1 & 2: MS.M.VENKATESWARI

The Court at the admission stage made the following :

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ORDER:

The wife of the petitioner by name Smt. K.Manoranjanamma purchased 349 square yards in Laxminagar Colony, Kothapet, Rangareddy District under a Registered Sale Deed and later on a building bearing No.11-9-18/1 was constructed thereon. She died intestate on 2-5-1994 leaving behind her husband i.e., the petitioner and three sons and a daughter. The petitioner claims that by way of succession under the Hindu Succession Act, he is entitled to 1/5th share in the said property and that he has been continuing in possession and enjoyment of the said house. After the death of his wife, he applied for additional water connection to the house on 21-03-2005. However, the second respondent insisted that the petitioner should produce the Legal Heir Certificate from the Revenue Authorities and in the absence of the said certificate his request for additional water connection to the house in question cannot be considered. Aggrieved by the said action of the second respondent, this writ petition is filed.

On behalf of the respondents, a counter-affidavit has been filed stating that though the petitioner has submitted the death certificate, agreement of sale and sale deed which reveal that he is the owner of the property, since it is not established that he is the sole owner of the property and since the Board is not

aware whether all the shareholders are interested in the additional water supply connection to the property in question, his request for additional water connection could not be considered. It is also stated that the particulars of the children of the petitioner and no objection from the children for additional water connection to the house was not submitted to the Board.

I have heard the learned Counsel for both the parties and perused the material on record.

In view of the objection raised by the respondents in their counter-affidavit that the petitioner failed to furnish particulars of his children and he also failed to furnish no objection from his children for the additional water connection and particularly keeping in view that the application of the petitioner is still pending before the first respondent Board, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to furnish the particulars as pointed out in the counter-affidavit within a period of four weeks from today. If such particulars are furnished, the second respondent is directed to consider the request of the petitioner for additional water connection to the house in question and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks thereafter.

The Writ Petition is accordingly disposed of. No costs.

25-04-2005

To

1. The Managing Director, Hyderabad Metropolitan Water Supply & Sewerage Board , (HMWSS), Khairtabad,
Hyderabad.
- 2 The General Manager(Eng), Single Window Cell, (HMWSS).
Khairtabad, Hyderabad.
2. Two C. D. copies.

Note:

CC by one week.

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